

### **Remarks**

Applicants respectfully request reconsideration of the application in view of the amendments to the claims and the remarks that follow.

### **In the Claims**

Claims 26-71 are currently pending in the application. Claims 43 and 66 are canceled without prejudice or disclaimer. Claims 26-31, 33-34, 36-38, 40, 44-54, 56-57, 59-61, and 67-71 are herein amended. No new matter has been added.

### **Trademarks used in Specification**

The Office Action states that the trademarks PEN110 and INACTINE should be capitalized wherever they appear and be accompanied by the generic terminology. Applicants believe that generic terminology is unnecessary, given the context in which the compound is cited in the application. As described in paragraph 0062 of the published application, PEN110 or INACTINE is merely an example of a caustic compound which typically cannot be added directly to blood, and should not make undiluted contact with certain materials or skin. As such, the compound itself is not a required element of the invention, but is used as an example of a compound whose properties make the buffering or dilution of the compound in its container desirable. Because the specific physical or chemical characteristics of this compound are not involved in the invention, its identification by scientific or other explanatory language is not necessary. (See MPEP §608.01(v)I.)

### **Claim Rejections under 35 U.S.C. §112**

The Office Action rejected claims 26-71 as being indefinite.

The Office Action stated that it is unclear how the liquid controller is operatively coupled with the receiving chamber. Claim 26 has been amended to recite an apparatus in which a sealed container is positioned in a container receptacle, which is capable of coupling with a port assembly to permit liquid to enter the container through the port assembly. The liquid controller

controls the flow of liquid through the port assembly into the container. An example of a liquid controller is given in paragraphs 0065 and 0067 of the published application.

The term 'receiving chamber' was found to be unclear. Claim 26 now recites a container receptacle, an example of which is given by the vial receptacle shown in FIG. 2B.

The term 'container assembly controller' was also found to be unclear. Claim 26 now recites a container spiking assembly controller, an example of which is given by one or more components of the pneumatic control assembly 410, described, for example in paragraph 0100 of the published application.

The term 'cover lock' recited in claim 32 was also found to be unclear. An example of a cover lock can be found in paragraph 0135 and 0136 of the published application. In this example, illustrated at least by FIGs. 9E and 9F, the spike housing 344 is locked by cover 910.

The term 'pneumatically controlled member' in claim 33 was also found to be unclear. An example of a pneumatically controlled member can be found in paragraph 0139 of the published application (and illustrated at least in FIGs. 9E, 9F and 10), which describes a bladder plate 906, a shaft 920 and a piston 904, each or any combination of which, for example, can comprise a pneumatically controlled member.

The Office Action stated that there is insufficient antecedent basis for the limitation of claim 36. The Examiner correctly points out that the claim would more properly depend from claim 35, and claim 36 has been amended accordingly. Similarly, claim 59 has been amended to depend from claim 58.

Therefore, Applicants respectfully request withdrawal of the above rejections of claims 26-71 under 35 U.S.C. §112.

### **Rejection under 35 U.S.C. §102**

The Office action rejected claims 26-29, 34-42, 49-52, 57-66, and 69 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,070,761 issued to Bloom et al ("Bloom"). Applicants respectfully disagree.

The Office Action stated that Bloom "teaches clamp 125 and Fig. 12, 216 and 218 (col. 17) which inhibit decoupling of the container and port assembly," and that "[t]he limitations of claims 66 and 69 are also taught by Bloom et al." However, Bloom states that clamp 125 "holds

vial 85 stationary during system operation.” (Bloom, col. 17, ll. 39-40). In addition, the distal end 214 of the outer holding arm 208 “includes an arcuate holding portion 216,” and “[a] tang 218 supports the head of the vial 85.” (Bloom, col. 18, ll. 31-35).

In contrast, independent claims 26 and 49 of the instant application as amended recite an apparatus in which the container **receptacle** is capable of coupling with a port assembly, and the coupling surfaces of the container **receptacle** and port assembly are adapted and configured to resist decoupling. Bloom discloses neither a container receptacle nor a relationship between a container receptacle and a port assembly that resists decoupling. Rather Bloom discloses features that support a vial (container), or keep it stationary during operation. For at least this reason, Bloom does not anticipate the independent claims (and by extension the dependent claims) of the instant application. Therefore Applicants respectfully request reconsideration and withdrawal of the rejection of claims 26-29, 34-42, 49-52, 57-65, and 69 under 35 U.S.C. §102(b).

### **Rejection under 35 U.S.C. §103**

The Office action rejected claims 26, 33, 49, 56, 68, 70 and 71 under 35 U.S.C. §103(a) as being unpatentable over Bloom as applied to claims 26-29, 34-42, 49-52 and 57-65 in view of U.S. Patent No. 6,527,758 issued to Ko (“Ko”). Applicants respectfully disagree.

The Office Action stated that Ko teaches means for moving the spouts of containers into coupling engagement with receptacles as a docking station wherein the moving means comprises either manually controlled driven cams [or] pneumatically controlled means.

However, Ko does not disclose, teach or suggest at least some elements of claims 26 and 49 of the instant application. As stated in Ko at col. 5, lines 32-40, the header block 10 can progress

between the ready position, a fully engaged position and a withdrawn position. In the withdrawn position, the vials 1 can be removed by raising the plunger 14 manually and lifting the empty vial from engagement with the receptacle 2.

Thus, Ko fails to disclose, teach or even suggest a container receptacle capable of coupling with a port assembly, or a container receptacle and port assembly having coupling surfaces that are

adapted and configured to resist decoupling. Nor does any combination of Bloom with Ko cure the deficiencies of Ko in this regard. For at least these reasons, claims 26 and 49 are not obvious over Bloom in view of Ko. Furthermore, if independent claims 26 and 49 cannot be obvious, neither can any of the cited dependent claims. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 26, 33, 49, 56, 68, 70 and 71 under 35 U.S.C. §103(a).

**Rejection under written description requirement of 35 U.S.C. §112**

The Office Action stated that the limitation “without allowing decoupling of the container and the port assembly” was added without identifying the portions of the application supporting such an amendment. Applicants respectfully traverse.

Claims 26 and 49 are currently amended to recite that the coupling surfaces of the container receptacle and port assembly are adapted and configured to resist decoupling. Support for this amendment can be found throughout the application as filed. Although numerous implementations are possible, an embodiment, for example, can be found in paragraph 0071 of the published application, which states that

[t]he vial receptacle 206 includes a vial containment rib 212 for holding the vial 210 within the vial receptacle 206. The vial receptacle 206 also includes one or more rows of spike receptacle engagement teeth 204 that are undercut for engaging a corresponding vial receptacle locking feature on the spike receptacle so that the spike receptacle cannot be easily removed from the vial receptacle 206 after the vial 210 is spiked, as discussed below.

Further support for this claim element can be found, for example, at paragraphs 0083 and 0138, as well as FIGs. 3 and 9 of the published application. The application as filed describes an arrangement in which the port assembly (e.g., spike receptacle) cannot easily be removed from the container receptacle (e.g., vial receptacle) after coupling. Therefore, the application fully supports the claims as amended, and Applicants respectfully request reconsideration and withdrawal of the above rejection under 35 U.S.C. §112.

### Conclusion

For the foregoing reasons all of the claims of the present invention are patentable over the art of record. It is believed that all of the claim rejections have been addressed and that the application is now in condition for allowance. Reconsideration of the claims and issuance of a notice of allowance are respectfully requested. If any issue arises for which an interview may expedite issuance of a notice of allowance, the Examiner is requested to call the undersigned, at the telephone number given below.

Applicants request that \$810.00 be charged to Deposit Account No. 50-4383 to cover the fee for the Request for Continued Examination.

Applicants believe that a three-month extension of time is required and hereby petition for a three-month extension of time. Applicants request that the associated extension fee be charged to Deposit Account No. 50-4383. Applicants also request that any other fee required for timely consideration of this application be charged to Deposit Account No. 50-4383.

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Respectfully submitted,

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